

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

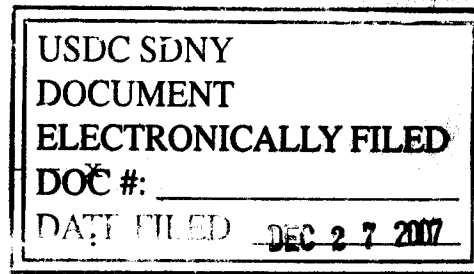
UNITED STATES OF AMERICA

-v-

DA HE CAO,

Defendant.

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: INFORMATION

: S2 07 Cr. 619 (RMB)

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COUNT ONE

The United States Attorney charges:

1. From at least in or about September 2006, up to and including at least in or about May 2007, in the Southern District of New York and elsewhere, DA HE CAO, the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DA HE CAO, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B).

Overt Act

3. In furtherance of the conspiracy and to effect the

illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about March 13, 2007, at approximately 5:30 p.m., DA HE CAO, the defendant, spoke with a co-conspirator in coded language over the telephone, and CAO told the co-conspirator to reserve a quantity of heroin for him to pick-up.

(Title 21, United States Code, Section 846.)

**FORFEITURE ALLEGATION**

4. As a result of committing the controlled substance offense alleged in Count One of this Information, DA HE CAO, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Information.

**Substitute Asset Provision**

a. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or

deposited with, a third person;

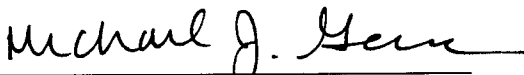
(3) has been placed beyond the jurisdiction  
of the Court;

(4) has been substantially diminished in  
value; or

(5) has been commingled with other property  
which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. §  
853(p), to seek forfeiture of any other property of the  
defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 21, United States Code, Section 846)

MICHAEL J. GARCIA  
United States Attorney

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12/27/07  
III

Fld Ind + Waiver of Ind  
AUSA Brenda McGuire pres. DA  
DA He Cao pres w/other Rachel Neuberg  
Madam Judge pres. Counsel to proceed set  
May filed. DA's please only to Ind  
DA can't determine

May Judge DeLuca